

REMARKS

In accordance with the foregoing, claims 9-20 are pending and under consideration.

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

In the outstanding Office Action, claims 13-19 are rejected under 35 U.S.C. §103 as allegedly being unpatentable over “Hosur” (U.S. Patent App. Pub. No. 2001/0033623) in view of “Giannakis” (U.S. Patent App. Pub. No. 2008/0037685).

This rejection is respectfully traversed.

Claim 13, for example, recites “dividing data for transmission into a plurality of elements such that the number of data elements corresponds to the number of subcarriers.” The Examiner indicates that this feature of claim 13 is disclosed in Hosur. However, the Examiner has failed to point to the portions of Hosur that allegedly disclose this claimed feature (see page 3 of the Office Action). Applicants have reviewed the disclosure of Hosur and can find no teaching related to the claimed feature of “dividing data for transmission into a plurality of elements such that the number of data elements corresponds to the number of subcarriers.”

Also, claim 13, for example, recites “for each antenna, assigning each element to a subcarrier for transmission, such that for at least two antennas and at least one subcarrier, different elements are assigned to said one subcarrier.” The Examiner indicates that this feature of claim 13 is disclosed in paragraphs [33]-[40] of Hosur. This is submitted to be incorrect. This disclosure in Hosur, as relied on by the Examiner, relates to pilot symbols, which are different from the data symbols according to claims. Hosur discloses that this variation of pilot symbol encoding is done for better channel estimation. However, there is no indication in Hosur that, for each antenna, each element is assigned to a subcarrier for transmission, such that for at least two antennas and at least one subcarrier, different elements are assigned to one subcarrier. Thus, it is submitted that Foschini does not teach this feature of claim 13 as indicated by the Examiner.

Giannakis fails to make up for these deficiencies in Hosur discussed above.

Thus, for at least the reasons discussed above, claim 13, and claims 14-19 depending therefrom, patentably distinguish over the combination of Hosur and Giannakis. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

ALLOWABLE SUBJECT MATTER

Applicants appreciate the Examiner's indication that claims 9-12 and 20 are allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _____

5-2-11

By: _____



Aaron C. Walker
Registration No. 59,921

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501